IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

THURSDAY, THE 7TH DECEMBER 2006 / 16TH AGRAHAYANA 1928

Bail Appl..No. 7221 of 2006()

CRIME NO. 292 OF 2006 OF VALANCHERRY POLICE STATION

PETITIONERS/ACCUSED 2 & 5 (UNDER CUSTODY)

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1. IBRAHIM, S/O.SAINUDHEEN,
MEKKATTUKALATHIL HOUSE, ATHAVANAD AMSOM DESOM,
MALAPPURAM DISTRICT.

2. SHERAFUDHEEN @ KADATHANGAL,
S/O.SAINUDHEEN, KARUVANTHURUTHY HOUSE,
ATHAVANAD AMSOM DESOM, MALAPPURAM DISTRICT.

BY ADV. SRI.T.SETHUMADHAVAN
SRI.PUSHPARAJAN KODOTH
SRI.K.JAYESH MOHANKUMAR

RESPONDENTS:

STATE OF KERALA, REPRESENTED BY THE
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM, (CRIME NO.292/2006 OF THE VALANCHERRY
POLICE STATION).

BY PUBLIC PROSECUTOR SRI. JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 07/12/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V. RAMKUMAR, J.

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Bail Application NO. 7221 of 2006

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DATED: 7-12-2006

O R D E R

In this Petition filed under Sec. 439 Cr.P.C. petitioners who are accused Nos.2 and 5 in Crime No. 292/06 of Valancherry Police Station for offences punishable under Secs. 341, 323 427, 506(2) and 395 I.P.C., seek their enlargement on bail. The occurrence took place on 25-8-2006. Petitioners were arrested on 3-10-2006. It is admitted that even after 60 days of detention no charge-sheet has been filed before court.

2. I heard the learned counsel for the petitioners and the learned Public Prosecutor.

3. Admittedly, no charge sheet has been laid even after 60 days of detention of the petitioners. If so, by virtue of the proviso to Sec. 167 Cr.P.C. petitioners are entitled to bail as of right.

4. Accordingly, petitioners are directed to be released on bail on each of them executing a bond for Rs. 15,000/- (Rupees fifteen thousand only) with two solvent sureties each for the like amount to the satisfaction of the J.F.C.M - Tirur and subject to the following conditions:

1. The petitioners shall report before the Investigating Officer between 9 a.m. and 11 a.m.on all Wednesdays.

2. The petitioners shall not influence or intimidate the prosecution witnesses nor shall he attempt to tamper with the evidence for the prosecution.

3. The petitioners shall not commit any offence while on bail.

If the petitioners commit breach of any of the above conditions, the bail granted to him shall be liable to be cancelled.

This application is allowed as above.

V.RAMKUMAR, JUDGE.

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